

### REMARKS

The examiner objects to the claim numbering, which omits claim 172. A new claim has been added and numbered as 172.

The examiner makes an obviousness-type double-patenting rejection, mapping claim 114 of the instant application to claim 164 of application number 10/752,838. The examiner is urged to reconsider and withdraw this rejection. The two applications are patentably distinct, particularly in light of an additional limitation added to claim 114: the content of dependent claim 164 has been added to claim 114 and claim 164 has been canceled. The added clause recites, "wherein the data repository retains a copy of a plurality of data items of content accessed by the one of the multiple clients via the proxy server, thereby preserving the content after it has been altered or removed from the network." This is not the normal behavior of a proxy server, which ordinarily seeks only to reflect the current state of data items appearing on the network. This additional function is therefore not an obvious extension of application 10/752,838.

The examiner also maintains a previous rejection of claim 114 as being unpatentable under 35 USC 103 as obvious over Heilig in view of Kanai and further in view of Yuasa. We respectfully disagree with the examiner's argument. The examiner relies upon the expiration times of Yuasa, which govern expiration from a cache, to read against the expiration times of the instant application, in which expiration times govern required retention and prevent deletion even by a client that can change the expiration time. The language governing expiration times has been slightly clarified in claim 114 in an attempt to make the distinction sharper. The first wherein clause in claim 114 now recites, "wherein, after the expiration time is assigned and before the expiration time has passed, the one of the multiple clients can change the expiration time to a later time but no action taken by the one of the multiple clients can cause the expiration time to be changed to an earlier time or cause the stored data item to be deleted". In particular, Yuasa does not allow the user to change an expiration time that has been assigned to a later time (it is fixed at one week after the start date, see Yuasa column 9, lines 12-14). Furthermore, Yuasa does not protect the stored data from deletion by the user. The Yuasa receiving apparatus

captures and stores scheduled content until it has been transferred to external storage (or until it expires). If, however, the user cancels the scheduled content, it is deleted immediately from the receiving apparatus (Yuasa column 18, lines 15-24). Thus Yuasa neither allows the user to extend the expiration time nor does it prevent the user from deleting the received data before the expiration time, and so cannot read against the claim language cited. Claim 114 is therefore allowable over the art of record.

A new dependent claim 172 has been added, which is a variant of existing claim 115. Each of the dependent claims adds one or more further limitations to claim 114 that enhance patentability, but those limitations are not presently relied upon. For that reason, and not because applicants agree with the examiner, no rebuttal is offered to the examiner's reasons for rejecting the dependent claims.

Allowance of the application is requested.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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